

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Gregory R. Russell,

Civil No. 07-4202 (RHK/RLE)

Plaintiff,

**ORDER**

v.

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

---

Before the Court are Plaintiff's Objections to the December 18, 2008 Report and Recommendation of Chief Magistrate Judge Raymond L. Erickson. Judge Erickson has recommended that Plaintiff's summary judgment motion be denied and that the summary judgment motion of Defendant be granted.

The Court has conducted a de novo review of the Report and Recommendation and the Objections thereto, including the Administrative Record before Judge Erickson. That review, together with the written submissions of the parties satisfies the undersigned that Judge Erickson's recommended disposition is supported by the factual record before him and that he properly applied controlling legal principles. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objections (Doc. No. 22) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 20) is **ADOPTED**;
3. Plaintiff's Motion for Summary Judgment (Doc. No. 10) is **DENIED**;
4. Defendant's Motion for Summary Judgment (Doc. No. 17) is **GRANTED**; and

5. The Commissioner's Final Decision (Doc. No. 9) is **AFFIRMED**.

Dated: January 26, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge